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EXAMINER

LEE, PHILIP C

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,687

Applicant(s)

HOLLIMAN ET AL.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/22/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This action is responsive to the amendment and remarks filed on September 22, 2005.
2. Claims 42-78 are presented for examination. Claims 1-41 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 42-45, 48-50, 52-56, 60-61, 63, 65-70, 75-76 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al, U.S Patent Application Publication 2002/0073204 (hereinafter Dutta) in view of Schneider, U.S. Patent 6,687,753 (hereinafter Schneider).
6. Schneider was cited in the last office action.

7. As per claim 42, Dutta taught the invention substantially as claimed comprising:
 - a processing unit (page 2, paragraph 28);
 - a memory device (page 2, paragraph 28);
 - a network interconnection (page 2, paragraph 28; fig. 1b); and
 - a first unit to process an inquiry for data from a peer node (page 3, paragraph 37), receive the requested data from a second peer node (page 3, paragraph 37), and transmitting the data to the peer node (page 4, paragraphs 44-45).
8. Dutta did not teach transcoding the data and transmitting in a transport specification specified. Schneider taught the invention comprising:
 - transcode the data before transmitting the data to the node, wherein the transcoding includes converting the data into a format that can be processed by the node (col. 4, lines 57-61), and transmitting the data in a transport specification as specified by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).
9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of transcoding the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

10. As per claims 53 and 67, Dutta taught the invention substantially as claimed comprising:
a first peer node receiving an inquiry for data from a second peer node (page 3, paragraph 37);
the first peer node obtaining the data from a third peer node (page 3, paragraph 37); and
transmitting the data to the second peer node (page 4, paragraphs 44-45).
11. Dutta did not teach transcoding the data and transmitting in a transport specification specified. Schneider taught the invention comprising:
transcode the data before transmitting the data to the node, wherein the transcoding includes converting the data into a format that can be processed by the node (col. 4, lines 57-61), and transmitting the data in a transport specification as specified by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).
12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of transcoding the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).
13. As per claims 43, 54 and 68, Dutta and Schneider taught the invention substantially as claimed in claims 42, 53 and 67 above. Schneider further taught that the transport specification is specified by an application at the peer node (col. 3, lines 41-53).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider for the same reason set forth in claims 42, 53 and 67 above.

15. As per claims 44, 55 and 69, Dutta and Schneider taught the invention substantially as claimed in claims 42, 53 and 67 above. Schneider further taught that the inquiry includes a user-specified query generated at the peer node (col. 3, lines 28-31, 61-67).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider for the same reason set forth in claims 42, 53 and 67 above.

17. As per claims 45, 56 and 70, Dutta and Schneider taught the invention substantially as claimed in claims 44, 55 and 69 above. Schneider further taught that the user-specified query includes a reference to a content of the requested data, and the system includes a content specific query handler to locate the requested data (col. 4, lines 26-33).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's teaching of user-specified query including a reference to a content of the requested data would increase the

efficiency of Dutta's system by allowing the system to retrieve the content based on the reference in the query to minimize the retrieval time.

19. As per claims 48, 60 and 75, Dutta and Schneider taught the invention substantially as claimed in claims 42, 53 and 67 above. Schneider further taught that the data includes multimedia data (col. 2, lines 33-36).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's teaching of including multimedia data would increase the field of use in Dutta's system by allowing different type of data including multimedia to be shared as an application choice.

21. As per claims 49, 61 and 76, Dutta and Schneider taught the invention substantially as claimed in claims 42, 53 and 67 above. Dutta and Schneider further taught that the peer node is a wireless device (see Dutta, page 2, paragraph 26) and an application support handler included at the system adjusts delivery of the data to a status of the peer node (see Schneider, col. 3, lines 10-17; col. 4, lines 14-20; col. 6, lines 26-29).

22. As per claims 50 and 63, Dutta and Schneider further taught that the system receives the data from the second peer node (see Dutta, page 3, paragraph 73) after the second peer node has transcoded the data (see Schneider, col. 3, lines 19-21; col. 4, lines 57-61).

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23. As per claims 52, 65 and 78, Dutta and Schneider taught the invention substantially as claimed in claims 42, 53 and 67 above. Schneider further taught that the data is transcoded in response to a status of a network connection between the system and the peer node (col. 4, lines 1-20; col. 5, lines 48-62; col. 6, lines 26-29).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's teaching of transcoding the data in response to the status of a network connection would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

25. As per claim 66, Dutta and Schneider taught the invention substantially as claimed in claim 53 above. Although Dutta and Schneider taught transcoding the data (see Schneider, col. 4, lines 57-61) and receiving the data from the first node (see Dutta, page 4, paragraphs 44-45), wherein the transcoding includes converting the data into a format that can be processed by the peer node (see Schneider, col. 4, lines 57-61), however, Dutta and Schneider did not teach transcoding the data after receiving the data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transcode the data after receiving the data from a node because it is a matter of design choice to transcode the data before or after receiving the data from a node.

26. Claims 46-47, 51, 57-59, 62, 64, 72-74 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta and Schneider in view of Horn et al, U.S. Patent Application Publication 2001/0022000 (hereinafter Horn).

27. As per claims 46, 58 and 73, Dutta and Schneider taught the invention substantially as claimed in claims 42, 53 and 67 above. Dutta and Schneider did not specifically detailing a format requested by the peer service layer of the peer node. Horn taught wherein the data is transcoded into a format requested by the peer service layer of the peer node (page 2, paragraph 22; page 5, paragraph 56).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Horn because Horn's teaching of a format requested by the peer service layer of the peer node would improve quality of transmission in Dutta's and Schneider's systems by allowing peer service layer to provide transmission condition parameters indicative of the condition of the network to control the processing of data (page 2, paragraphs 15 and 17).

29. As per claims 47, 59 and 74, Dutta and Schneider taught the invention substantially as claimed in claims 42, 53 and 67 above. Dutta and Schneider did not teach access to a peer-to-peer service layer. Horn taught wherein the system includes a programmatic access for applications to a peer-to-peer service layer (page 5, paragraphs 55-56) (Note that the system

must include programmatic access in order for application to use the transmission condition parameters provided by the peer-to-peer service layer.)

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Horn for the same reason set forth in claims 46, 58 and 73 above.

31. As per claims 51, 57, 64, 72 and 77, Dutta and Schneider taught the invention substantially as claimed in claims 42, 53 and 67 above. Although, Dutta and Schneider taught specifying the transport specification in the request for data (see Schneider, col. 3, lines 14-16), however, Dutta and Schneider did not teach a peer service layer. Horn taught a peer service layer specifies the transport specification (page 2, paragraph 22; page 5, paragraph 56).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Horn for the same reason set forth in claims 46, 58 and 73 above.

33. As per claim 62, Dutta and Schneider taught the invention substantially as claimed in claim 53 above. Dutta and Schneider did not teach a peer service layer. Horn taught wherein a peer service layer is included at the node to provide system-level service below an operating system of the node (page 4, paragraph 46). (Note that the transmission condition parameter is

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acquired at one of the lower layers (e.g. link layer, network layer, or transport layer). This means that the lower layer must be providing the service below an operating system in a node.)

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Horn for the same reason set forth in claims 46, 58 and 73 above.

35. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta and Schneider in view of Neogi et al, U.S. Patent 6,650,620 (hereinafter Neogi).

36. Neogi was cited in the last office action.

37. As per claim 71, Dutta and Schneider taught the invention substantially as claimed in claim 67 above. Dutta and Schneider did not teach tables mapping user-defined names. Neogi taught that the second and first peer nodes include tables mapping user-defined names or metadata references to Globally Unique Identifiers identifying data stored within a network of peer-to-peer nodes (col. 2, lines 53-63; col. 3, lines 27-43).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Neogi because Neogi's system of mapping user-defined names would increase the efficiency of Dutta's and Schneider's systems by allowing requests to be routed according to the mapping table.

39. Applicant's arguments with respect to claims 42-78, filed 09/22/05, have been fully considered but are moot in view of new grounds of rejection.

CONCLUSION

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hughes, Jr. et al, U.S. Patent 6,633,725, disclosed a method of a peer device specifying the transcoding format.


Jordan, U.S. Patent Application Publication 2002/01077988, disclosed a method for specifying the compression scheme for the requested data.

41. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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